

**TITLE 16. CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the actions described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the actions proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California 95814, on **June 14, 2004 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **June 14, 2004** or must be received by the Board at the hearing.

The Board, upon its own motion or at the insistence of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 5630 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 5650, 5651, 5657, 5680.1 of the BPC, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

BPC section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, which are necessary to enable the Board to carry out the provisions of law relating to the practice of landscape architecture.

Amend 16 CCR Section 2604 – Filing of Addresses

The existing regulation requires that licensees immediately file a proper and current mailing address with the Board after a change of address. BPC section 5657 requires that licensees file a change of place of business address within 30 days after a change of address. Under BPC section 5681, a penalty not to exceed \$50 may be assessed when a licensee fails to provide the Board with a change of address within 30 days after a change of address.

This proposal would clarify the filing of mailing address requirement for licensees by requiring one address from each licensee to be used for administrative and public disclosure purposes. This proposal would also disclose that the licensee's mailing address will be public record. Finally, this proposal also references the penalty that may be assessed to licensees who fail to provide the Board with a change of address.

Amend 16 CCR Section 2615 – Form of Examinations

Currently, under 16 CCR section 2615, the Board recognizes licensure in other states that have licensed landscape architects by way of administering the current national licensing examination, the Landscape Architect Registration Examination (LARE), or a written examination substantially equivalent in scope and subject matter to the written examination last given in California (for purposes of candidates applying for reciprocity in California). Under the regulation, the Board also recognizes examination credit obtained in

other states (for purposes of candidates continuing the examination process in California). British Columbia, Ontario, and Puerto Rico, who are member boards of the Council of Landscape Architectural Registration Boards (CLARB), the national licensing examination vendor, also currently license landscape architects by way of administering the LARE.

This proposal would change the terms “state” and “state licensing authority” to “U.S. jurisdiction, Canadian province, or Puerto Rico” to allow the Board to also recognize licensure and licensing examination credit in those jurisdictions.

Amend 16 CCR Section 2624 – License Renewal Three Years After Expiration
Adopt 16 CCR Section 2624.1 - Expired License - Five Years After Expiration

The existing regulation, which was adopted on June 16, 2001, outlines the Board’s requirements for a new license when an applicant’s previous license has been expired for more than three years, but less than five years, or for more than five years. An applicant who falls under the first category may establish to the Board that he or she is qualified to practice landscape architecture without having to take and pass the LARE. However, upon reviewing the applicant’s current knowledge of landscape architecture, the Board may require that the applicant take and pass specific (or all) sections of the LARE. The applicant must also be in compliance with BPC section 5680.2 which requires that: 1) no fact, circumstance, or condition exists which would justify revocation or suspension of the license; 2) the applicant pay all current examination fees; and 3) the applicant pass the California Supplemental Examination. Under the existing regulation, an applicant whose license has been expired for more than five years must take and pass all sections of the LARE.

The proposal to amend 16 CCR section 2624 and adopt 16 CCR section 2624.1 would do the following: 1) divide the existing regulation into two regulations (one that specifically addresses applicants whose licenses have been expired for three years, but less than five years [16 CCR section 2624], and one that addresses applicants whose licenses have been expired for over five years [16 CCR section 2624.1]), in order to clearly distinguish between the two sets of requirements; 2) list requirements in sequential or appropriate order; 3) exclude the reference to BPC section 5680.2 subsection (c) under 16 CCR section 2624.1; and 4) deletes the BPC section 5651 subsection (b) reciprocity waiver reference.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory actions would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that these regulatory proposals will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations do the following: 1) clarify the filing of mailing address requirement for licensees and establish consistency between BPC section 5657 and CCR section 2604; 2) allow the LATC to recognize licensure and licensing examination credit in all CLARB member board jurisdictions; 3) further clarify requirements for a new license when an applicant's previous license has been expired for three years, but less than five years, or beyond five years.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed actions and has made available all the information upon which the proposals are based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposals are based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee, at 400 R Street, Suite 4000, Sacramento, California, 95814, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking actions may be addressed to:

Name: Justin Sotelo
Address: Landscape Architects Technical Committee
400 R Street, Suite 4000
Sacramento, CA 95814
Telephone No.: (916) 445-6573
Fax No.: (916) 324-2333
E-mail Address: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Mona Maggio
Address: Landscape Architects Technical Committee
400 R Street, Suite 4000
Sacramento, CA 95814
Telephone No.: (916) 445-6573
Fax No.: (916) 324-2333
E-mail Address: Mona_Maggio@dca.ca.gov

Website Access: Materials regarding these proposals can be found at <http://www.latc.ca.gov>.

**STATE OF CALIFORNIA - DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
INITIAL STATEMENT OF REASONS**

Hearing Date: June 14, 2004

Subject Matter of Proposed Regulations: Filing of Addresses, Form of Examinations, License Renewal Three Years After Expiration, Expired License – Five Years After Expiration

Sections Affected: Title 16, California Code of Regulations (CCR), Division 26, sections 2604, 2615, 2624, and 2624.1

As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board (Board). Business and Professions Code (BPC) section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions of the Landscape Architects Practice Act.

SPECIFIC PURPOSE OF AMENDMENT

Section 2604 - Filing of Addresses

The specific purpose of this proposal is to clarify the filing of mailing address requirement for licensees and to establish consistency between BPC section 5657 and CCR section 2604. Currently, CCR section 2604 requires that a licensee immediately file a proper and current mailing address with the Board after a change of address, while BPC section 5657 requires a licensee to file a change of place of business address within 30 days after a change of address. Under BPC section 5681, a penalty not to exceed \$50 may be assessed when a licensee fails to provide the Board with a change of address within 30 days after a change of address.

The Board, like all regulatory agencies, requires a current address from each licensee in order to carry out administrative services (licensing, renewals, distribution of publications, etc.) and to provide the public with licensee information that may be disclosed under California law. Therefore, it is essential that the Board has accurate licensee information on record and has it in a timely manner.

This proposal (in addition to a proposal to amend BPC 5657) simplifies the filing of mailing address requirement by requiring one address from each licensee to be used for administrative and public disclosure purposes. This proposal also adds language that clearly indicates that the licensee's mailing address will be a matter of public record. Finally, this proposal clearly references the penalty that may be assessed to licensees, under BPC section 5681, who fail to provide the Board with a change of address.

Section 2615 - Form of Examinations

The specific purpose of this proposal is to add clarification to the regulation by changing the terms "state" and "state licensing authority" to "U.S. jurisdiction, Canadian province, or Puerto Rico," all of which are member boards of the Council of Landscape Architectural Registration Boards (CLARB), the national licensing examination vendor. Because British Columbia, Ontario, and Puerto Rico currently license landscape architects by way of administering a licensing examination identical to the one that is administered in California and all other U.S. jurisdictions (the Landscape Architect Registration Examination – LARE), the Board should recognize licensure in those jurisdictions (for purposes of candidates applying for reciprocity in California) and should grant examination credit for sections of the

LARE passed in those jurisdictions or sections of a written examination substantially equivalent in scope and subject matter to the written examination last given in California.

Section 2624 - License Renewal Three Years After Expiration

Section 2624.1 - Expired License - Five Years After Expiration

The specific purpose of this proposal (to amend CCR section 2624 and adopt CCR section 2624.1) is to further clarify the requirements of CCR section 2624, which was adopted on June 16, 2001. Specifically, this proposal: 1) divides the existing regulation into two regulations (one that specifically addresses applicants whose licenses have been expired for three years, but less than five years [CCR section 2624], and one that addresses applicants whose licenses have been expired for over five years [CCR section 2624.1]), in order to clearly distinguish between the two sets of requirements; 2) lists requirements in sequential or appropriate order; 3) excludes the reference to BPC section 5680.2 subsection (c) under CCR section 2624.1, in order to establish consistency with the regulation's original intent; and 4) deletes the BPC section 5651 subsection (b) reciprocity waiver reference.

FACTUAL BASIS

Section 2604 - Filing of Addresses

The existing regulation requires that licensees immediately file a proper and current mailing address with the Board after a change of address. BPC section 5657 requires that licensees file a change of place of business address within 30 days after a change of address. Under BPC section 5681, a penalty not to exceed \$50 may be assessed when a licensee fails to provide the Board with a change of address within 30 days after a change of address.

This proposal (in addition to a proposal to amend BPC 5657) clarifies the filing of mailing address requirement for licensees and establish consistency between BPC section 5657 and CCR section 2604. Specifically, this proposal simplifies the filing of mailing address requirement by requiring one address from each licensee to be used for administrative and public disclosure purposes. This proposal also adds language that clearly indicates that the licensee's mailing address will be a matter of public record. Finally, this proposal clearly references the penalty that may be assessed to licensees, under BPC section 5681, who fail to provide the Board with a change of address.

Section 2615 - Form of Examinations

Currently, the Board recognizes licensure in other states that have licensed landscape architects by way of administering the current national licensing examination, the LARE, or a written examination substantially equivalent in scope and subject matter to the written examination last given in California (for purposes of candidates applying for reciprocity in California). The Board also recognizes examination credit obtained in other states (for purposes of candidates continuing the examination process in California). British Columbia, Ontario, and Puerto Rico, who are member boards of CLARB, also currently license landscape architects by way of administering the LARE.

This proposal would change the terms "state" and "state licensing authority" to "U.S. jurisdiction, Canadian province, or Puerto Rico" to allow the LATC to also recognize licensure and licensing examination credit in those jurisdictions.

Section 2624 - License Renewal Three Years After Expiration

Section 2624.1 - Expired License - Five Years After Expiration

The existing regulation, which was adopted on June 16, 2001, outlines the Board's requirements for a new license when an applicant's previous license has been expired for more than three years, but less than five years, or for more than five years. An applicant who falls under the first category may establish to the Board that he or she is qualified to practice landscape architecture without having to take and pass the LARE. However, upon reviewing the applicant's current knowledge of landscape architecture, the Board may require that the applicant take and pass specific (or all) sections of the LARE. The applicant must also be in compliance with BPC section 5680.2 which requires that: 1) no fact, circumstance, or condition exists which would justify revocation or suspension of the license; 2) the applicant pay all current examination fees; and 3) the applicant pass the California Supplemental Examination. Under the existing regulation, an applicant whose license has been expired for more than five years must take and pass all sections of the LARE.

Despite the intent of CCR section 2624, the reference to BPC section 5680.2 subsection (c), under subsection (b)(3) of the regulation, could still allow an individual whose license has been expired for more than five years to establish to the satisfaction of the Board that he or she is qualified to practice landscape architecture. This is in conflict with the original intent of CCR section 2624.

The proposal to amend CCR section 2624 and adopt CCR section 2624.1 is consistent with the original intent of CCR section 2624. Overall, the proposal does the following: 1) excludes the reference to BPC section 5680.2 subsection (c) under the requirements for applicants whose licenses have been expired for more than five years; and 2) further clarifies the intent and requirements of the original regulation.

Specifically, this proposal: 1) divides the existing regulation into two regulations (one that specifically addresses applicants whose licenses have been expired for three years, but less than five years [CCR section 2624], and one that addresses applicants whose licenses have been expired for over five years [CCR section 2624.1]), in order to clearly distinguish between the two sets of requirements; 2) lists requirements in sequential or appropriate order; 3) excludes the reference to BPC section 5680.2 subsection (c) under CCR section 2624.1, in order to establish consistency with the regulation's original intent; and 4) deletes the BPC section 5651 subsection (b) reciprocity waiver reference.

UNDERLYING DATA

None

BUSINESS IMPACT

These regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

These regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulations would be either more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
ORIGINALLY PROPOSED LANGUAGE**

Underlined text is proposed new language. Proposed deletions of the original language are denoted by ~~strikethrough~~.

California Code of Regulations, Title 16, Division 26

§ 2604. Filing of Mailing Addresses

Each person holding a license from the Board shall file his or her ~~proper and~~ current mailing address with the Board at its office in Sacramento, California, and shall immediately notify the Board of any and all changes of mailing address, giving both his or her old and new addresses. The licensee's mailing address shall be a matter of public record. A penalty as provided in Section 5681 of the Business and Professions Code shall be paid by a licensee who fails to notify the Board within 30 days after a change of address.

§ 2615. Form of Examinations

All candidates for licensure as a landscape architect shall pass all sections of the Landscape Architect Registration Examination (hereafter LARE) and the California Supplemental Examination subject to the following provisions:

- (a) A candidate who is licensed as a landscape architect in a ~~state~~ U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter to the written examination last given in California as determined by the board shall be eligible for licensure upon passing the California Supplemental Examination.
- (b) A candidate who is not a licensed landscape architect and who has received credit from a ~~state licensing authority~~ U.S. jurisdiction, Canadian province, or Puerto Rico for sections of a written examination shall be entitled to receive board credit for the corresponding sections of the 1997 and thereafter LARE in accordance with section 2614 provided the board determines that the written examination is equivalent in scope and subject matter to the written examination last given in California.
- (c) A candidate who has received transfer credit from the board for sections of the Uniform National Examination, the 1992 Landscape Architect Registration Examination, or the Professional Examination for Landscape Architecture shall be eligible for licensure upon passing the remaining sections of the 1997 and thereafter LARE and the California Supplemental Examination.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5651, Business and Professions Code.

§ 2624. Expired License Renewal - Three Years After Expiration

- (a) An applicant whose landscape architects license has been expired for more than three years but less than five years shall be eligible for a new license upon:
- ~~(1) Passing the California Supplemental Examination;~~
 - ~~(2) Passing sections of the national licensing examination, if any, designated by the Landscape Architects Technical Committee after review of the applicant's current knowledge of landscape architecture; and~~
 - ~~(3a) Compliance Complying with the provisions of Business and Professions Code Section 5680.2;~~
- (b) ~~An applicant whose landscape architects license has been expired for more than five years shall be eligible for a new license upon:~~
- ~~(1) Passing the California Supplemental Examination;~~
 - ~~(2) Passing the national licensing exam or being subject to waiver of that examination pursuant to Business and Professions Code section 5651(b); and~~
 - ~~(3) Compliance with the provisions of Business and Professions Code section 5680.2.~~
- (b) Completing the re-licensure application process as follows:
- (1) Submitting application for examination and all fees required of first-time applicants;
 - (2) Submitting work samples and supporting materials that demonstrate applicant's current knowledge and experience in landscape architecture; and
 - (3) Passing current sections of the national licensing examination, if any, designated by the Landscape Architects Technical Committee;
- (c) Passing the California Supplemental Examination.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, 5651, 5680.1, and 5680.2, Business and Professions Code.

§ 2624.1. Expired License - Five Years After Expiration

An applicant whose landscape architect license has been expired for more than five years shall be eligible for a new license upon:

- (a) Complying with the provisions of Business and Professions Code section 5680.2., subsections (a) and (b);
- (b) Passing the current national licensing examination; and
- (c) Passing the California Supplemental Examination.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, 5651, 5680.1, and 5680.2, Business and Professions Code.